

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25965-2018(O&M)

Date of decision : 21.06.2018

Avtar Singh alias Sonu

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. HPS Bhinder, Advocate for the petitioner.

Ms.Tanisha Peshawaria, DAG, Haryana.

AMIT RAWAL, J. (ORAL)

The prayer in the present petition is for grant of anticipatory bail in case FIR bearing No.146 dated 19.03.2018, under Section 420 IPC, registered at Police Station City, Gohana, District Sonapat, Haryana on the basis of complaint made by Ashok Kumar who is stated to have made an allegation against the petitioner of having taken nine blank cheques for the purpose of obtaining loan from the bank and two cheques have been misused by the petitioner whereby a sum of Rs. 4, 50,000/- and another sum of Rs. 21,500/- have been withdrawn.

Mr.HPS Bhinder, learned counsel appearing on behalf of the petitioner submitted that the complainant has been extended the benefit of loan of Rs. 21.5 lakhs and the cheque was issued in discharge of the legal debt. He further submitted that this is a civil dispute to be decided by the

civil Court but the same has been given the colour of criminal offence.

Ms.Tanisha Peshawaria, learned State counsel, on instructions from SI Jaljeet Singh, submits that the aforementioned amount which has been withdrawn by misusing the cheques has to be recovered from the petitioner for which his custodial interrogation is necessary.

I have heard learned counsel for the parties and perused the paper book and am of the view that it is purely a civil dispute and has to be decided by a civil Court. It is a matter of evidence whether the cheques were issued for the purpose of discharging legal liability, for which custodial interrogation of the petitioner would not be required.

Without going into the merits and demerits of the case, which will be subject matter of investigation and keeping in view the facts aforementioned, I deem it appropriate to grant concession of anticipatory bail to the petitioner. Resultantly, the petition is disposed of by granting anticipatory bail to the petitioner on the condition that he shall join the investigation as and when required by the police by issuing a notice under Section 160 Cr.P.C. and in the event of his arrest, he shall be released on bail by the Investigating Officer on furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned under Section 438(2) Cr.P.C.

(AMIT RAWAL)
JUDGE

21.06.2018

sunita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No